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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,463	01/13/2004	Ming Hui Cheng	4199CT	5875
7590		09/02/2005	EXAMINER	
Ming Hui Cheng		CHIESA, RICHARD L		
P.O. Box 63-99		ART UNIT		
Taichung, 406		PAPER NUMBER		
TAIWAN		1724		

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,463

Applicant(s)

CHENG, MING HUI

Examiner

Richard L. Chiesa

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>January 13, 2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

- (1.) The drawings filed on January 13, 2004 are accepted by the examiner.

Specification

- (2.) The disclosure is objected to because of the following reasons: (A)The word “collected” (page 3, line 9) should apparently be changed to --collect--. (B) The word “includes” (page 6, line 23) should apparently be changed to --include--. Correction and/or clarification is required.

Claim Rejections – 35 USC 102/103

- (3.) The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless--

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- (4.) The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the

subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(5.) Claims 1-3, 6, and 7 are rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Harris et al. Harris et al (note Figures 1-5) show an air purification device with a housing 18, filter 26, 28, fan 14, an ultraviolet ray light device 16, pressurized compartment 38, a vertical plate 32 having an orifice near the fan, another filter 24 slidable in flanges 70, and a horizontal partition (unnumbered) separating the housing into an upper chamber and lower space (note page 2, paragraph [0030] to page 3, paragraph [0034] as claimed (35 USC 102b). It would appear that Harris et al may not explicitly mention that the device is an air treatment device. However, Harris et al do disclose that the device is an air purification device which is a specific type of air treatment. Consequently, it is inherent or at least would have been obvious to one of ordinary skill in the art (35 USC 103a) that the Harris et al air purification device is treating the air.

(6.) Claims 4, 5, 8, and 9 are rejected under 35 USC 103(a) as being unpatentable over Harris et al in view of Tillman, Jr. Harris et al, as described above in paragraph 5, show an air treatment device substantially as claimed. Apparently, Harris et al may not explicitly state that the filter is a ULPA filter or that the second filter is positioned on the horizontal partition. In any case, Tillman, Jr. (note Figure 6, ref. num. 610, 624, and col. 6, lines 15-58) teaches the well-known use of a ULPA filter and a filter positioned on a horizontal partition in an air treatment device for the purpose of ensuring maximum

capture of all contaminants on the filter medium. Therefore, it would have been obvious to one having ordinary skill in the art to employ a ULPA filter and a filter positioned on the horizontal partition of the Harris et al air treatment device in order to facilitate contaminant capture as taught by Tillman, Jr.

(7.) Claims 10 and 11 are rejected under 35 USC 103(a) as being unpatentable over Harris et al, taken together with Tillman, Jr., as applied to claim 8 in paragraph 6 above, and further in view of Avondoglio. Harris et al, taken together with Tillman, Jr., as described above in paragraph 6, disclose an air treatment device substantially as claimed with the possible exception of a collecting tray below the filter. Avondoglio (note ref. num. 26, 72, Figs. 1, 2) teaches the use of a collecting tray below a filter in an air treatment device for the purpose of ensuring convenient particle removal (note col. 4, lines 43-52). Consequently, it would have been readily obvious to one of ordinary skill in the art to employ a collecting tray below the filter of the Harris et al and Tillman, Jr. air treatment device in order to facilitate particle removal as taught by Avondoglio.

(8.) Claim 12 is rejected under 35 USC 103(a) as being unpatentable over Harris et al in view of Spanton. Harris et al, as described above in paragraph 5, disclose an air treatment device substantially as claimed. It would appear that Harris et al may not explicitly disclose the use of an ozone generator. Spanton (note ref. num.15, Fig. 1) teaches the well-known use of an ozone generator in an air treatment device for the purpose of improving air sterilization (note col. 1, line 49 to col. 2, line 3). It would have

been obvious to one of ordinary skill in the art to employ an ozone generator in the Harris et al air treatment device in order to facilitate air sterilization as taught by Spanton.

(9.) Claim 13 is rejected under 35 USC 103(a) as being unpatentable over Harris et al in view of Kato et al. Harris et al, as described above in paragraph 5, disclose an air treatment device substantially as claimed with the possible exception of an oxygen generator. Kato et al (note ref. num. 14, Figs. 1-4, and col. 4, lines 50-56) teach the use of an oxygen generator in an air treatment device for the purpose of ensuring ion neutralization and removal of excess ozone. Therefore, it would have been obvious to one having ordinary skill in the art to employ an oxygen generator in the Harris et al air treatment device in order to facilitate ion neutralization and ozone removal as taught by Kato et al.

(10.) Claim 14 is rejected under 35 USC 103(a) as being unpatentable over Harris et al, taken together with Kato et al, as applied to claim 13 in paragraph 9 above, and further in view of Cicirello. Harris et al, taken together with Kato et al, as described above in paragraph 9, disclose an air treatment device substantially as claimed with the apparent exception of a hose for passing the gaseous additive to an exit. However, Cicirello (note ref. num. 34, Fig. 1, and col. 2, line 68 to col. 3, line 15) teaches the use of a hose passing gaseous additives in an air treatment device for the purpose of maximizing treatment of the air and for this same reason it would have been obvious to one of ordinary skill in the art to employ such an expedient in the Harris et al and Kato et al air treatment device.

(11.) Claim 15 is rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Kato et al. Kato et al (note Figures 1-4) show an air purification device with a housing 1, filter 15, 16, air forcing fan 5, and an oxygen generator 14 (note col. 4, lines 50-56) as claimed (35 USC 102b). It would appear that Kato et al do not explicitly mention that the device is an air treatment device. However, Kato et al do disclose that the device is an air purifier device (note col. 3, lines 4-39) which is a specific type of air treatment. Consequently, it is inherent or at least would have been obvious to one having ordinary skill in the art (35 USC 103a) that the Kato et al device is treating the air.

Conclusion

(12.) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references have been cited as art of interest to show other air treatment systems.

(13.) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane S. Smith, can be reached at (571) 272-1166.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-0987.

Facsimile correspondence must be transmitted through (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard L. Chiesa
August 29, 2005

Richard L. Chiesa

**RICHARD L. CHIESA
PRIMARY EXAMINER
ART UNIT 1724**

August 29, 2005